

**REMARKS**

Claims 1-6, 8-11, 13-16 and 22-34 are allowed. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter.

The Examiner rejected claims 7 and 12 under 35 U.S.C. §103(a) as allegedly being unpatentable over Fitch et al. (US 5,213,989).

Applicants respectfully traverse the §103 rejections with the following arguments.

**35 U.S.C. §103(a)**

The Examiner rejected claims 7 and 12 under 35 U.S.C. §103(a) as allegedly being unpatentable over Fitch et al. and in view of Ozkan et al. (6,437,376).

Applicants respectfully contend that claims 7 and 12 are not unpatentable over Fitch and in view of Ozkan, because Fitch and in view of Ozkan does not teach or suggest each and every feature of claims 7 and 12. For example, Fitch and in view of Ozkan does not teach or suggest the feature: "wherein the step of forming a pedestal comprises forming a high pressure oxide layer, a nitride layer above the high pressure oxide layer, and an oxide layer above the nitride layer, and patterning the high pressure oxide layer, nitride layer and oxide layer, and wherein the dopant source layer does not exist above the high pressure oxide layer" (emphasis added).

Applicants note that the preceding feature of claims 7 and 12 is illustrated in FIGS 11 and 12 of the present patent application, wherein the dopant source layer 236 does not exist above the high pressure oxide layer 227. In fact, Fig. 13 of the present patent application shows formation of a cap layer 234 above the dopant source layer 236 in a space that surrounds the nitride layer 226 and the oxide layer 225.

FIG. 9 of Fitch shows that the dopant source layer 50 exists above the alleged high pressure oxide layer 22. For clarification, Applicants have submitted herewith Appendix A which depicts FIG. 9 of Fitch such that the dopant source layer 50 has been divided into a lower portion 50L and an upper portion 50U. Applicants maintain that FIG. 9 of Fitch in Appendix A shows:

- 1) the nitride layer 40 exists above the high pressure oxide layer 22;
- 2) the oxide layer 42 exists above the nitride layer 40;

3) the portion 50L of the dopant source layer 50 exists at the same level as the high pressure oxide layer 22; and

4) the portion 50U of the dopant source layer 50 exists above the high pressure oxide layer 22, in violation of the requirement in claims 7 and 12 that "the dopant source layer does not exist above the high pressure oxide layer".

If the Examiner disagrees with the preceding analysis by Applicants of FIG. 9 of Fitch, Applicants would be grateful if the Examiner would explain why the Examiner disagrees with the preceding analysis by Applicants of FIG. 9 of Fitch.

Based on the preceding arguments, Applicants respectfully maintain that claims 7 and 12 are not unpatentable over Fitch and in view of Ozkan, and that claims 7 and 12 are in condition for allowance.

**CONCLUSION**

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and credit Deposit Account No. 09-0456 (IBM).

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Schmeisler, Olsen & Watts  
3 Lear Jet Lane, Suite 201  
Latham, New York 12110  
(518) 220-1850

Jack P. Friedman  
Jack P. Friedman  
Registration No. 44,688